

Message Text

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PAGE 01 STATE 141762
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DRAFTED BY ARA/AND/E - MR. ALLITTO:LEE
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TO AMEMBASSY QUITO IMMEDIATE
INFO AMCONSUL GUAYAQUIL

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SUBJECT: SIXTO DURAN-BALLEN'S NATIONALITY

REF: CORR-BARNEBEY TELCON OF JUNE 5, 1978

1. PER YOUR REQUEST, THE FOLLOWING IS THE COMPLETE TEXT
OF MR. CARRILLO'S LETTER:

QUOTE: DEAR SIR: I WOULD APPRECIATE IF YOU WOULD KINDLY
CLARIFY FOR ME WHAT THE CITIZENSHIP STATUS OF AN INDIVI-
DUAL WOULD BE AS A RESULT OF THE FOLLOWING SITUATION:

A PERSON WAS BORN IN THE UNITED STATES OF FOREIGN PARENTS.
I UNDERSTAND THAT ACCORDING TO THE FOURTEENTH AMENDMENT
OF THE CONSTITUTION, THIS PERSON IS A CITIZEN OF THE US.
SUCH A PERSON BORN OF FOREIGN PARENTS WAS, AT THE TIME OF
HIS BIRTH, ALSO REGISTERED AT THE CONSULATE OF HIS FOREIGN
PARENTS. IF THE CHILD BECOMES AN ADULT AND DECIDES TO
ADOPT THE CITIZENSHIP OF HIS PARENTS, WHAT DOES THE LAW
UNCLASSIFIED

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PAGE 02 STATE 141762

OF THE UNITED STATES OF AMERICA DEMAND OF THIS PERSON IN
ORDER TO NO LONGER BE CONSIDERED A US CITIZEN? AND FURTHER,
IN CASE THAT THE PERSON WILL NOT HAVE FOLLOWED THE PROCE-
DURE IN QUESTION AS STIPULATED BY US LAW, COULD HE STILL
BE CONSIDERED A US CITIZEN?

THANK YOU SO MUCH FOR YOUR ATTENTION TO THIS.

SINCERELY YOURS, P. CARLOS CARILLO, EDITOR END QUOTE.

2. THE FOLLOWING IS THE COMPLETE TEXT OF THE DEPARTMENT'S
REPLY:

QUOTE: DEAR MR. CARRILLO: THIS IS IN REPLY TO YOUR LETTER OF APRIL 3 CONCERNING UNITED STATES CITIZENSHIP LAW.

ACCORDING TO SECTION 301 (A) (1) OF THE IMMIGRATION AND NATIONALITY ACT OF 1952, A PERSON BORN IN THE UNITED STATES AND SUBJECT TO THE JURISDICTION THEREOF, IS A UNITED STATES NATIONAL AND CITIZEN AT BIRTH. THAT PERSON ACQUIRES UNITED STATES NATIONALITY REGARDLESS OF THE CITIZENSHIP OF HIS PARENTS.

IF THE PARENTS POSSESS FOREIGN NATIONALITY AT THE TIME OF THE CHILD'S BIRTH IN THE UNITED STATES, THE CHILD MAY ACQUIRE THE NATIONALITY OF THE PARENTS AS WELL AS UNITED STATES NATIONALITY.

THE UNITED STATES DOES NOT RECOGNIZE OFFICIALLY OR APPROVE OF DUAL NATIONALITY. THE UNITED STATES DOES ACCEPT THE FACT THAT SOME UNITED STATES CITIZENS MAY POSSESS ANOTHER NATIONALITY AS A RESULT OF SEPARATE, CONFLICTING LAWS OF OTHER COUNTRIES WHICH CANNOT BE CONTROLLED BY THE UNITED STATES.

UNCLASSIFIED

PAGE 03 STATE 141762

STATES. WHEN THE ACQUISITION OF A SECOND CITIZENSHIP OCCURS THROUGH THE AUTOMATIC OPERATION OF THE SECOND COUNTRY'S LAWS AS IN THE CASE YOU PRESENTED, THE UNITED STATES CITIZENSHIP OF THE PERSON IN QUESTION IS NOT AFFECTED. HOWEVER, A UNITED STATES CITIZEN WHO ACQUIRES A FOREIGN NATIONALITY ON HIS OWN APPLICATION MAY EXPATRIATE HIMSELF UNDER SECTION 349 (A) (1) OF THE INA. VOLUNTARY NATURALIZATION IN A FOREIGN STATE IS HIGHLY PERSUASIVE EVIDENCE OF AN INTENT TO RELINQUISH UNITED STATES CITIZENSHIP.

IF A PERSON WISHES TO DIVEST HIMSELF OF HIS UNITED STATES CITIZENSHIP, THE MOST DIRECT WAY OF DOING SO WOULD BE TO RENOUNCE HIS CITIZENSHIP BEFORE A DIPLOMATIC OR CONSULAR OFFICER OF THE UNITED STATES IN A FOREIGN STATE AS PRESCRIBED BY SECTION 349 (A) (6) OF THE INA. IN SO DOING, THAT PERSON WOULD LOSE ALL RIGHTS AND PRIVILEGES AFFORDED HIM BY THE GOVERNMENT BY VIRTUE OF HIS UNITED STATES CITIZENSHIP.

I HOPE THIS INFORMATION PROVES USEFUL TO YOU.

SINCERELY, FRANCIS G. RANDO, CHIEF, FOREIGN AND SPECIAL
OPERATIONS DIVISION, PASSPORT OFFICE. END QUOTE. VANCE

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